

## Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOTE-00 INR-07 NSAE-00 FAA-00 L-03 /032 W

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R 241558Z JUL 75

FM AMEMBASSY ROME

TO SECSTATE WASHDC 2268

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E.O. 11652: N/A

TAGS: EALR, IT

SUBJECT: CIVAIR - US CARRIERS FIFTH FREEDOM CHARTER OPERATIONS IN ITALY

REF: ROME 9697

1. CAPITOL APPEALED CIVILAVIA DENIAL OF JULY 20 VENICE-TORONTO RETURN CHARTER TO OFFICE OF MINISTER OF TRANSPORT MARTINELLI, WHICH DIRECTED CIVILAVIA AUTHORIZE CAPITOL APPLICATION. APPEAL WAS BASED ON LATE DATE AT WHICH CIVILAVIA ACTED, NOT THAT ALITALIA SHOULD NOT HAVE RIGHT OF FIRST REFUSAL. MINISTER'S OFFICE AGREED THAT ALITALIA SHOULD EXERCISE THIS OPTION WITHIN REASONABLE TIME, NOT AT LAST MINUTE. EMBASSY HAD TO APPROACH CIVILAVIA, AFTER MINISTRY APPROVED CHARTER, BEFORE CIVILAVIA DIRECTOR AIR TRANSPORT SERVICES SITAJOLO WOULD SIGN NECESSARY PAPERS.

2. THERE HAVE BEEN PREVIOUS CASES IN WHICH ALITALIA DECIDED ONLY AT LAST MINUTE TO OPERATE THE CHARTER, LONG AFTER CONTRACT SIGNED AND ALL ARRANGEMENTS MADE BY TOUR OPERATOR AND US SUPPLEMENTAL CARRIER. EMBASSY THEREFORE CONSIDERING FORMAL APPROACH THROUGH MINISTRY FOREIGN AFFAIRS (MFA) FOR AN AGREEMENT WHICH WOULD REQUIRE CIVAIR AUTHORITIES, WITHIN TEN DAYS AFTER SUBMISSION OF APPLICATION, TO APPROVE IN PRINCIPLE, SUBJECT TO SUBMISSION ALL DOCUMENTATION NOT LESS THAN THIRTY DAYS PRIOR TO FLIGHT, OR DISAPPROVE THE APPLICATION.

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3. AT PRESENT CIVILAVIA DOES NOTHING UNTIL FINAL, COMPLETE DOCUMENTATION FILED THIRTY DAYS PRIOR TO FLIGHT. LATER RE-FUSAL BY CIVILAVIA LEAVES US CARRIER WITH (SOMETIMES SUBSTANTIAL) UNCOVERED EXPENSES, SINCE DEPOSIT MUST BE REFUNDED IN FULL TO CHARTERER, AND WITH AN AIRCRAFT WHICH IS DIFFICULT IF NOT IMPOSSIBLE TO REPROGRAM ON SUCH SHORT NOTICE.

4. GIVEN ALITALIA ATTITUDE TOWARD FIFTH FREEDOM CHARTERS (REFTEL), US CARRIERS PROCEED TO ARRANGE FIFTH FREEDOM CHARTERS FROM ITALY ONLY IN CASES WHERE ALITALIA INDICATES IT HAS NO SUITABLE AIRCRAFT AVAILABLE. REQUIRING CIVILAVIA ACTION WELL IN ADVANCE OF FLIGHT WOULD FORCE ALITALIA TO PLAN AIRCRAFT UTILIZATION IN MORE CAREFUL MANNER, BUT SHOULD IMPOSE NO UNDUE HARSHNESS. US AND ITALIAN CARRIERS WOULD THUS BE IN SIMILAR POSITIONS RE ADVANCE PLANNING FOR AIRCRAFT UTILIZATION.

5. MFA WOULD UNDOUBTEDLY INSIST ON RECIPROCAL COMMITMENT ON PART OF US CIVAIR AUTHORITIES.

6. ACTION REQUESTED. PLEASE INFORM EMBASSY WHETHER WASHINGTON AGENCIES WOULD LIKE EMBASSY TO BEGIN NEGOTIATIONS FOR AGREEMENT OF TYPE SUGGESTED IN PARA (2) ABOVE, AND, IF SO, WHETHER COMMITMENT CAN BE RECIPROCAL. VOLPE

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CIVIL AVIATION, SUPPLEMENTAL AIRLINES, FLIGHT CLEARANCES  
**Control Number:** n/a  
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**Draft Date:** 24 JUL 1975  
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**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** KelleyW0  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
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**Disposition History:** n/a  
**Disposition Reason:**  
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